

## Amesbury Planning Board Meeting Minutes

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**August 9, 2021, at 7:00 PM**

Virtual Meeting - 7:00 PM

Chairman Pascal Rettig called the August 9, 2021, Planning Board meeting to order at 7:00 PM. He read: Pursuant to Governor Baker's March 12, 2020, Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §20, and the June 16, 2021, extensions of those Provisions until April 2022, this Meeting of the Planning Board on August 9, 2021, is being conducted via remote participation. No in-person attendance of members of the public will be permitted, but every effort is being made to ensure that the public can adequately access the proceedings as provided for in the Order.

A reminder that persons who would like to like to watch this meeting can do so on ACTV Channel 12, the ACTV website, or their Facebook Page: [www.facebook.com/AmesburyCommunityTelevision](https://www.facebook.com/AmesburyCommunityTelevision)

To submit a public comment, you can email [nipun@amesburyma.gov](mailto:nipun@amesburyma.gov) with written comments. If you would like to dial-in to and speak, please email [nipun@amesburyma.gov](mailto:nipun@amesburyma.gov). You can do this from now until the public comment portion of the specific public hearing ends. There will be a public comment portion of each public hearing discussed tonight.

Chairman notes that tonight's Planning Board meeting is being recorded by Amesbury Public Access Television. This legal step has been taken but does not act as the official record. The written meeting minutes by the Recording Secretary is the official record.

### **1. Roll Call**

*Chair Pascal Rettig took the vote by roll call.*

Karen Solstad	PRESENT
Keith Ratner	PRESENT
Lars Johannessen	PRESENT
Robert Laplante	PRESENT
Scott Kelley	PRESENT
David Frick	PRESENT
Pascal Rettig	PRESENT

**Attendance:** David Frick, Lars Johannessen, Robert Laplante, Scott Kelley, Karen Solstad, Keith Ratner, and Pascal Rettig

**Also:** Director of Planning Nipun Jain

## **2. Minutes**

The minutes of 7/26/21 are deferred to the next meeting.

## **3. Pre-Application Conference**

### ***a) Athletic Fields – Town Park***

Rob Desmarais, Director of Public Works, said the proposed was initiated a few years ago in a search for appropriate sites for athletic fields. We returned to this existing site as a good fit.

Mark Arigoni, licensed landscape architect, SLR Consultants, 1350 Main Street, Suite 1012, Springfield, said he's been working to relocate 2 Little League fields lost to construction of the new school. They are focused now on the existing baseball and multi-use fields at the Town Park. He demonstrated on a plan the location for constructing 2 60 ft diamonds with 200 ft foul lines and improvements to the existing softball field. They will better define the existing parking and add back stops, add bleachers and dugouts, a concrete pad for ADA accessible portable toilets, a pre-fab concession building and an addition on the existing maintenance building. A full grading plan to ensure the fields drain properly is included in the plan. Parallel parking occurs along the roadway on one side that has damaged some of the street trees. We will define parking along that roadway and suggest removing the existing trees in that area and strategically replant another street tree species in that area. The fields will be lit for nighttime games and a photometric plan will be provided. The fields will be irrigated, and an irrigation plan is included. Off the site we're improving the high school varsity baseball field with grading on the infield and spotty drainage improvements.

David Frick asked about removing all the trees, the lighting locations, and the impact on neighbors.

Rob Desmarais said removing most of the trees allows for installing a sidewalk for safe pedestrian access around the park. Many current trees, right on the edge of the pavement, are degraded and should come down in the near future.

Kevin Fuselier, SLR Consultants, said it is an athletic field specific system with 2 60ft high poles at the infield area and 2 70 ft high poles in the outfield area. Each pole has 4-5 LED fixture with an up light mid-way down the pole. A ball needs an up light to be spotted. There are 3 levels of

lighting: game play, lesser brightness for practice, and a lower level that indicates the game is over. There is very little spillover behind the lights.

David Frick suggested a time limit for lights to go off at a certain hour. Mr. Desmarais would clarify that at the next meeting.

Keith Ratner asked about demand calculations for the parking to make sure cars are not scattered across the road. Mr. Arigoni said they will provide the numbers. Right now, you can park wherever you want to park. The Little League hours of play are offset from the high school use of the high school parking lot. He would work with Mr. Desmarais on the sidewalk system and crosswalks from the high school parking area. The City would like to investigate parking the shared walking and safe pedestrian ways.

Karen Solstad said the plan shows a fence around both fields. We're taking away all of the open flat space at Town Park. Mr. Arigoni said yes. We're trying to duplicate what's being lost.

Karen Solstad said anyone not involved in ballgames will lose a place for family picnics and pick-up games. The new trees being planted won't be able to block the light for the neighbors for another 30-40 years like the matures trees would that are being taken down. She's concerned about the lighting. Even though light won't fall directly on the houses, you will be able to look up and see the light from the 60-70 ft poles. That's a big impact. How wide is the sidewalk on Highland St.? Mr. Desmarais said 5 ft wide.

Karen Solstad asked if there was a grass strip between the sidewalk and parking area. Mr. Arigoni said no, we want people to be able to step right onto the sidewalk.

Karen Solstad said that would require a waiver from our current regulations. What other properties did you look at for the fields? Mr. Arigoni said the AES fields are primarily wetlands. The Sparhawk School is an issue of property ownership. He looked behind Landry Stadium and Woodsom Farm. Mr. Desmarais said we looked at the City's water property off Clinton St.

Karen Solstad said the AES fields are wetlands only because the culvert on town property wasn't maintained. She's disappointed AES wasn't even in contention for this. Mr. Desmarais disagreed and said that's not why the property is wet.

Lars Johannessen agreed with Ms. Solstad about the neighbors not being shielded from the light. Did anyone looked at the bottom area, where everyone exits from the high school for parking, so we don't have to take down all the mature trees. It's used as a staging area now. We don't allow advertising on town property technically. What is the Little League going to do about that, given that there was advertising all over the other Little League field? You're doing 2 fields at the high school, these two at Town Park, and then the softball field. What's the danger of cars getting hit by balls over the fence? He disagreed with Mr. Desmarais about the swale at AES. When the building was permitted the swale was supposed to be kept up.

Rob Desmarais said the potential parking at the high school would only be about 8 spaces if it were to be a formal parking lot. That's not enough to offset the street parking and people are still going to park on the street. Formalizing the street parking will make it safer.

Mark Arigoni said this project is two new Little League fields. One replaces the Pony Field and the other replaces an existing 60 ft field at Town Park. It also includes improving 4 fields, the existing softball field at Town Park, drainage and infield improvements to the high school varsity field and refurbishing an existing Town Park field next to the skate park by carving off some of the skate park to improve player safety in the foul line area.

Karen Solstad asked why the softball field has no comparable infrastructure improvements as the other fields do, and will the Little League be using the high school field.

Mark Arigoni said the high school field has a 90 ft base path, larger than the Little League's 60 ft base path. Little League tournament play requires a fence. The softball field is getting a new fence and a completely new infield.

Scott Kelley had concerns about the parking. He doesn't see enough parking for tournament play. He's not in favor of eliminating the grass strip between the sidewalk and the curb where street parking will be formalized and defined. The Planning Board tells all developers this is a requirement. It doesn't seem right to let the City waive that requirement. Is there input from the leagues? He didn't understand why Landry Stadium is not a viable option when lighting and vegetative buffers to block it already exists there. There were recent upgrades to the skate park. He's not in favor of carving off part of it to improve the ball field because people enjoy the skate park. He's not in favor of removing all the mature trees. The changes seem to create more problems and he doesn't support this location. Tournament play will create the kind of traffic Highland St. has not seen before.

Mark Arigoni said parking is an issue at the middle school. The existing lighting is inadequate and antiquated. He looked at retrofitting existing poles, but they would have to be replaced because structurally they can't support the new lighting for the wind loads. The dimensions made it tough to get both fields in that space. Lastly, there was a problem replacing the existing use in by the girls' varsity softball in that location. We looked at creating an access road around the back side of the stadium but there's an extreme grade drop off down to the wetlands.

Scott Kelley said the middle school parking is insufficient but the parking on Highland St. is enough to satisfy the needs of two additional tournament games going on at the same time plus games in the other fields at the same time? He thinks they are way under their needs at this location.

Mark Arigoni said shared parking for this urban space-constricted area would rely on the high school parking lot. The existing parking at the middle school is not as big as the high school parking lot. It doesn't make sense to build a 150-car parking lot that is used only 3-4 weekends a year. Shared parking is essential, and we would focus on safe crossings.

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Lars Johannessen asked what the difference between putting new lighting on the Highland St. location and putting new lighting at Landry Stadium? He sees no need for a new access road behind Landry Stadium. The drop off is far enough away to fit two fields in. He recommended taking a harder look at the middle school location.

Rob Desmarais said there are active two softball fields and a soccer field at the middle school. Displacing the softball fields creates Title IX issues for equity among the sports. That ended his pursuit of this location.

Lars Johannessen said there's no middle school baseball. Isn't that an equity issue?

Rob Desmarais said it's town-wide equity.

Scott Kelley said you wouldn't be using up all the open space at Town Park if you moved a softball field there in order to build 2 Little League fields at the middle school.

Rob Desmarais said we would have to move 2 softball fields and build 4 new fields in total.

Lars Johannessen said the Little League fields need to be together for concessions and lighting. Why can't you put the two softball fields at Town Park instead of having to put up all that fencing that makes it impossible for anyone else to use the park other than the Little League.

Rob Desmarais said other than having to build 2 additional fields, he didn't have an answer. Mr. Arigoni said there are limitations to the existing softball field in Town Park. It's a youth softball field. The middle school softball field was just rebuilt for the high school varsity softball team with new infield, fencing, and scoreboard.

Karen Solstad asked if there were metrics for the number of parked cars at the Cashman School when there is Little League tournament play?

David Frick said both Cashman parking lots are fairly full during Little League tournament play. At the Town Park location, they'll definitely have to use the high school parking lots. The best lighting solution for the local neighbors is not to take out the mature trees. We should not encourage parking on Highland St. other than how it's used today and use the parking lots at the high school instead.

Karen Solstad said people's habits are to park nearby and walk as little as possible. That will result in parking on both sides of Highland St. no matter what's done which will create a hazard. She suggested the Little League have someone to direct traffic to park at the high school.

David Frick said there's not enough parking at the middle school and people will have to walk much farther than what's proposed.

Scott Kelley said it's the identical length as the distance from the high school.

Pascal Rettig said the parking on Highland St. is filled up all day already when games at Town Park. He agrees with the applicant's comments about the trees not being in good shape because of road salt. It makes sense to formalize the Highland St. parking. People stepping out of their cars in cleats onto a grass strip will turn it into a mud pit. A grass strip makes sense when people are going to be walking, but that is not the case here.

Lars Johannessen said the street is filled with parked cars when you have one game at Town park. What will it be like when 2 games are going at the same time? Formalizing the parking on Highland St. will not mitigate your parking needs. It doesn't work in that location.

David Frick said it would be interesting to see how much more parking you could get angling the cars compared to parallel parked cars. Did you look at Battis Farm?

Rob Demarais said Battis Farm is conservation land for passive recreation only under the care of the ACC.

Keith Ratner said general numbers on the parking requirements and how many spaces you'll have by defining the parking will give the Board a better idea.

David Frick said when the parking is full, people will have to go to the high school lot. We have to put the fields somewhere. A parking area that's not used on weekends is a great asset.

Pascal Rettig said parking and lights are the main concerns.

Karen Solstad asked if the area below the Town Park fields where people sometimes ice skate will be used. Mr. Arigoni said no.

David Frick said that's not a bad spot for some parking also.

Karen Solstad said it looks like there's a tripling of the games going on at any one time.

Mark Arigoni said they would put together the parking numbers.

Nipun Jain said there are grade issues and powerlines at the skating area, as well as disc golf that takes place there. There are some trees and drainage issues as well. Parking there might not work with more engineering.

Lars Johannessen asked if there was a site evaluation and report that the Board would like to see.

Mark Arigoni said it wasn't a formal approach but did not rank each site against a set of criteria. As soon as we hit a critical failure, they moved to another site. He would forward what they had.

#### **4. Continued Public Hearings**

***a) 9, 14, & 15 Estes Street  
Definitive Subdivision (PH: 03-08-2021)***

Nipun Jain said in the engineering workshop with DPW, Bob Puff and the applicant team, 5 key areas discussed provided clarity on Mr. Puff's comments. Recommendations for improvements to the public street portion are to incorporate additional components related to drainage. Recommendations for improvements to the private portion are to make the width as consistent as possible with the rest of the street and address the curve in a manner that makes it easier to traverse. There is agreement on a combination of fee and easement for the right of way portion. It was discovered that a detention basin is on #14 and there will be a retention wall that will need to be maintained. The meeting helped the developer understand the perspective of the consultant's comments. There was clarity provided by DPW on the off-site areas. The developer and engineer will take a closer look at the existing plan set regarding revisions. If it is required that the detention basin has to be on the developer's own lots, that lot would not have adequate frontage. That has to be addressed. We have not received any new material for consideration other than this afternoon's email.

Pascal Rettig said the Board is waiting on the developer's written response to the consultant's comments.

Karen Solstad said the Board discussed that Mr. Puff's comments were to the standard without consideration of items the Board agreed to with the applicant. Does the developer have to respond to those comments since he is not following the letter of the law?

Pascal Rettig said the Board will need the waiver request and justifications in writing regardless. Mr. Puff's memo is laid out as, "This is what is required and otherwise there needs to be a waiver request and a justification."

Karen Solstad said Mr. Zahoruiko's note indicates that he disagreed with Rob Demarais and Bob Puff said certain standards have to be met. That sounds like a different meeting than described.

David Frick said Director Jain, Chair Rettig and himself met to better understand things because there are a lot of different issues.

The first lot on the left (#14) has a detention pond and a 16 ft wall behind it. The City does not want that to be part of a separate lot in case they have to get in there and work on it. They don't want to be responsible for a retaining wall falling apart and into the pond. They prefer a retention pond that is owned by the City.

Behind lot #9 is another detention pond serviced by the town. The water comes from lot #7 and not the road. The City suggests that is taken care of privately within the community rather than the City's responsibility.

There needs to be a reconfiguration to get 80 ft of frontage on each lot to accomplish this.

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The number of manholes on the public part of the street is another issue, but if that were the only one, he would recommend a concession on the City's part.

But are bigger issues regarding the detention ponds and who's going to take care of them. Our peer review and City engineer were in sync regarding the detention pond concerns. Those are the major areas of difference. If they can resolve that, the rest of the details can be resolved without further issue.

Karen Solstad Mr. Zahoruiko's is receiving mixed messages. His note says Bob Demarais is still pushing for the 6 ft planting strip along a wide sidewalk. We agreed a 6 ft planting strip along a little tiny road is not necessary.

David Frick talked about that in the meeting. If he can justify why, it's more expensive to do 6 ft than 5 ft we could say okay. That's not a mixed message.

Nipun Jain said Mr. Zahoruiko underplayed that issue at the workshop. He agreed to make a lot of changes in the review. The meeting was not technical in that we discussed various concepts that could be used to design the project given the engineering plans. The public infrastructure for the public portions of Estes St. must be accepted by the City, who has the right to determine what's appropriate and what's not appropriate. If the private road is to be turned over to the City, the number of improvements needed is a balancing act between what improvements are done and whether the City will be able to accept it. These are elements of concern, regardless of what the Board decides.

Pascal Rettig said the DPW needs to agree to the engineering.

Karen Solstad said Mr. Demarais has said he needs only a 5 ft sidewalk and no planting strip on a major road in town with tons of traffic and students walking along the road. That is talking out of both sides of his mouth.

Nipun Jain said there was no mention of requiring a 6 ft grass strip in the existing public way. Mr. Puff's report said if there is enough room to provide it, do so.

Karen Solstad said small and large private developers always get stuck with regulations that the City does not adhere to themselves. The Town Park and the hockey rink access road with the incredibly steep grade are but two examples.

Nipun Jain said the bulk of the comments in the engineering letter are hard engineering and science comments related to stormwater and infrastructure. There was not a large disagreement with those in the workshop. The grass strip is not an engineering issue, but one of standards. If the developer wishes to request a waiver he can do so. Mr. Puff is just pointing out the standard.

Robert Laplante said a developer must always request a waiver. The waiver justification is in writing. This applicant has not provided an engineering response yet. We have not turned down



anything. He discussed the historical process at length and did not understand Ms. Solstad's concerns for the developer.

Pascal Rettig said Mr. Zahoruiko's note about the 6 ft strip refers to discussions he had with the Board at the last meeting. He has the information that the Board is okay with the 5 ft strip. In his 4 years, the Board hasn't seen a situation where the Board moves forward with an applicant until we have a written response on all the engineering difficulties that are raised by the peer reviewer. The outstanding issues are predominately engineering. The Board cannot proceed until there's a response, waivers on those items, and the DPW agrees on things that concern them. This Board is not the cause of Mr. Mr. Zahoruiko's unhappiness. It is rather the logistics of the site, the Amesbury by laws, subdivision laws, and the road standards. Mr. Mr. Zahoruiko can come to us for certain things, but the engineering is the domain of our peer reviewer and DPW.

Karen Solstad said the next step should be a meeting with DPW and Mr. Puff to discuss that there have been other detentions ponds that did not have to become separate public lots. Chair Rettig said the bylaws have been changed explicitly to address the problems that has created.

Nipun Jain said there's a bigger issue than who is going to maintain this infrastructure. Ownership is immaterial when it is designed properly. The issue of why it cannot be taken as an easement, or a fee is a conversation for a later date. The main idea behind most of the comments is proper functionality and he did not have a problem addressing the majority of the issues. Everything will be fine as long as it can be shown that the infrastructure works properly, especially for those portions to be handed over to the City. The exact subdivision standards do not have to be met exactly, the fee and easement situation seems fine, and resolving the safety issues on the esker seems resolvable. The 20 ft vs 22 ft road width in the private section found agreement on a consistent road width. That issue was left open for the developer to show how he could or could not do it. Mr. Zahoruiko is taking a look at a 6 ft grass strip on the new portion of road at our request, but he is much more concerned about the changes to the basin and the impact on lot #13. We are waiting to see his proposed options.

Keith Ratner said the only new issue is the detention basins, everything else has some level of agreement.

David Frick said if Mr. Zahoruiko has to move things around and shift the lots the Board is amenable to that because we can't let a lot be smaller than what subdivision regulations require.

Public comment open.

Public comment closed.

**A motion to continue the Definitive Subdivision for 9, 14, & 15 Estes Street (PH: 03-08-2021) to the August 23, 2021, meeting is made by David Frick and seconded by Keith Ratner.**

*Chair Pascal Rettig took the vote by roll call.*

Karen Solstad	YES
Keith Ratner	YES
Lars Johannessen	YES
Robert Laplante	YES
Scott Kelley	YES
David Frick	YES
Pascal Rettig	YES

**All members present vote in favor. Motion Approved.**

## **5. Continued Public Hearings**

### ***a) 75, 79, & 87 Haverhill Road – Shea Concrete Major Modification – Site Plan & Special Permit (PH: 05-24-21)***

The applicant requested to continue.

**A motion to continue the 75, 59, & 87 Haverhill Road – Shea Concrete Major Modification – Site Plan & Special Permit (PH: 05-24-21) to the September 13, 2021, meeting, is made by David Frick and seconded by Lars Johannessen.**

*Chair Pascal Rettig took the vote by roll call.*

Karen Solstad	YES
Keith Ratner	YES
Lars Johannessen	YES
Robert Laplante	YES
Scott Kelley	YES
David Frick	YES
Pascal Rettig	YES

**All members present vote in favor. Motion Approved.**

### ***b) Bill 2021-043 – Proposed Zoning Amendment Section VII.3 (PH: 04-12-2021)***

Pascal Rettig said the revised version of the bill did not arrive in enough time to allow a review before the meeting.

Councilor Steve Stanganelli, co-sponsor, said the request was put through to the City Clerk last week to provide a copy to the Board. The changes incorporate comments from the last public hearing and an email from Mr. Kelley about mobile platforms. He reviewed changes on page 1, August 9, 2021, Planning Board Meeting Minutes  
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item Q and page 2 regarding mobile platforms. The final change in the last paragraph says 40 sf. He worried about the difference between mobile and portable.

Nipun Jain recommended the language ‘permanently fixed in location’ would eliminate any difference between mobile and portable.

Councilor Stanganelli said he’s also trying to balance the needs of the City who may need to use a portable electronic speed and radar display or other electronic messaging at some point. To differentiate he added the term, “non-commercial.”

Scott Kelley said mobile electronic signs are a popular alternative to traditional billboards. They are affixed to a box trucks and they drive around a city advertisings goods.

Pascal Rettig asked if the City can disallow driving through town displaying a sign. Councilor Stanganelli said KP Law would be reviewing the amendment.

**A motion to recommend to City Council the adoption of Bill 2021-043, Section VII.3, Proposed Zoning Amendment is made by David Frick and seconded by Scott Kelley.**

Public comment open.

Public comment closed.

Nipun Jain said illuminated signs are already allowed. What is meant by the word static? Councilor Stanganelli said static means some kind of logo or open/closed sign that doesn’t change its dimensions and message. Director Jain said those signs are already allowed and are already permitted under the existing bylaw. Councilor Stanganelli said he put that in because people expressed concerns about their existing signs.

Pascal Rettig recommended adding a reference to the existing bylaw.

Director Jain said section III-P describes some of these allowed sign types for neon: vacancy, no vacancy, open or closed. These signs shall not exceed 10% of the total window area. We’ve gone from neon to digital for those 4 sign types. No additional approvals or permits are needed. Logos would be part of the total square footage. If we include the proposed paragraph for logos, that could lead an applicant to question whether it’s in addition to the 40 sf allowed. A separate statement about those types of signs might be needed.

Keith Ratner asked whether a separate statement is needed if it’s already covered. It might be duplicative. Director Jain said there is no prohibition for logos to be part of a sign for any business. Directional signs are also allowed under B(5). That alleviates any concern about digital signs for roadwork or special City-wide events like July 4<sup>th</sup>.

Scott Kelley asked if there has been use of language similar to, “ nothing in this section goes against various sections and list those section?”

Councilor Steve Stanganelli suggested taking out the last part of the sentence in the last paragraph or taking out the paragraph and listing the provisions mentioned by Director Jain.

**A motion to recommend to City Council the adoption of Bill 2021-043, Section VII.3, Proposed Zoning Amendment with the further changes to remove the last paragraph and add clarifying notes as reviewed and discussed this evening, is made by Keith Ratner, and seconded by Scott Kelley.**

Nipun Jain said the idea is worth considering in clarifying notes with regard to traffic signs and vacancy and open/closed signs rather than making it part of the amendment. The proposed last paragraph is repetitive. In the paragraph above this, “non-commercial electronic information displays on City property,” can be any property from buildings to right of ways.

Councilor Stanganelli said the intent was public schools and City Hall.

Nipun Jain said the law doesn’t differentiate between types of property under the custody and control of the City. He suggested changing the language from, “City Property” to “City buildings.” Are we talking about the primary sign or an accessory sign? Do we want to add the language, “temporary, non-commercial accessory electronic information displays” and talk about square footage equal to what is typically allowed?

Lars Johannessen said the 40 ft square footage is for a primary sign, not for an accessory sign which is generally a bit smaller.

Nipun Jain reviewed the existing bylaw and suggested the language, “shall not exceed 50% of the total square footage of the primary sign and shall not exceed 40 sf in total.”

Lars Johannessen said it would be 20 sf in total and that sounds fair because we want it to be no more than half the size of the primary sign. Otherwise, there would be large digital signs everywhere.

David Frick suggested we should say it does not pertain to signage for the City’s purpose.

Nipun Jain said that section already exists in the current bylaw. This language is about specific signage for City buildings. The total square footage Mr. Johannessen is talking about is for free-standing signs. Building mounted signs are governed by 5% of the total wall area of the building and can exceed 40 sf by a lot.

Lars Johannessen said the bylaw is trying to outlaw electronic signs and billboards. We already have a law prohibiting billboards. He did not want to allow the hockey rink, which can have a big sign, to have a 50% electronic reader board underneath their big sign.

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Councilor Steve Stanganelli said this language is specific to non-commercial signs, like something on the side of I-495 would be considered commercial. Commercial signs are covered in the prior paragraph.

Nipun Jain said the ordinance doesn't allow off site signs for businesses.

Councilor Steve Stanganelli said a proposal being floated where someone wants to put a free standing, commercial sign on their property that can be viewed from the highway. We're talking about stuff the City, or the school might be using on their buildings.

**A motion to extend the meeting to 10:00 PM is made by David Frick and seconded by Lars Johannessen.**

*Chair Pascal Rettig took the vote by roll call.*

Karen Solstad	YES
Keith Ratner	YES
Lars Johannessen	YES
Robert Laplante	YES
Scott Kelley	YES
David Frick	YES
Pascal Rettig	YES

**All members present vote in favor. Motion Approved.**

Nipun Jain read the revised proposed language. "Permanent or temporary non-commercial accessory electronic information display signs on City or school buildings shall be allowed provided that at such time shall not exceed 50% of the total sf of the primary sign or 40 sf, whichever is smaller.

**An amended motion to recommend to City Council the adoption of Bill 2021-043, Section VII.3, Proposed Zoning Amendment with the edits displayed on the screen, as reviewed, and discussed this evening, is made by David Frick, and seconded by Scott Kelley.**

David Frick suggested Councilor Stanganelli send a copy of the document to the Board. Director Jain said the document can be sent directly to him and he would incorporate it into the Board's recommendation.

Karen Solstad said the 2<sup>nd</sup> paragraph that talks about the public building. Does that mean it can't be a free-standing sign? What if the City wants to have a free-standing electronic information sign? Is 'building' too restrictive a word to use? What about an electronic information sign in a parking lot about election day at the high school?

Councilor Steve Stanganelli suggested adding the language, "...or freestanding on such adjacent property...."

Nipun Jain suggested the language, "...attached or free-standing."

Lars Johannessen asked about municipal construction signs that are on roads.

Nipun Jain said the bylaw already says that is excluded. The limitations as to the number of signs permitted does not apply to traffic or directional signs necessary for the safety of residents, employees, customers, and visitors.

**A further amended motion to recommend to City Council the adoption of Bill 2021-043, Section VII.3, Proposed Zoning Amendment with the additional edits displayed on the screen and reviewed and discussed this evening, is made by David Frick, and seconded by Scott Kelley.**

*Chair Pascal Rettig took the vote by roll call.*

Karen Solstad	YES
Keith Ratner	YES
Lars Johannessen	YES
Robert Laplante	YES
Scott Kelley	YES
David Frick	YES
Pascal Rettig	YES

**All members present vote in favor. Motion Approved.**

**A motion to close the public hearing for Bill 2021-043, Section VII.3, Proposed Zoning Amendment is made by Lars Johannessen and seconded by Scott Kelley.**

*Chair Pascal Rettig took the vote by roll call.*

Karen Solstad	YES
Keith Ratner	YES
Lars Johannessen	YES
Robert Laplante	YES
Scott Kelley	YES
David Frick	YES
Pascal Rettig	YES

**All members present vote in favor. Motion Approved.**

**c) 5 Sparhawk Street**  
**Definitive Subdivision (PH: 07-26-2021)**

Pascal Rettig said the Board would discuss the draft decision and conditions prepared by Director Jain.

Public comment open.

Public comment closed.

Nipun Jain said the requested waivers granted by the Board are for lot area, frontage, side yard setback, rear yard setback, front yard setback for existing and new buildings on lots #1 and #2. That is reiterated in the decision. He discussed the draft decision with the applicant who has agreed with one minor change. He read the waivers as approved for the special permit for the record. No waivers were requested for the remaining parcel, lot #3. He read the requested change on page 6, "The applicant shall request from the Board ..." The rest of the sentence is unchanged. Staff recommends approval of the decision.

**A motion to approve the draft decision as amended tonight for 5 Sparhawk Street -- Definitive Subdivision (PH: 7-26-2021) for August 9, 2021, is made by Robert Laplante and seconded by David Frick.**

*Chair Pascal Rettig took the vote by roll call.*

Karen Solstad	YES
Keith Ratner	YES
Lars Johannessen	YES
Robert Laplante	YES
Scott Kelley	YES
David Frick	YES
Pascal Rettig	YES

**All members present vote in favor. Motion Approved.**

**A motion to close the public hearing for 5 Sparhawk Street -- Definitive Subdivision (PH: 7-26-2021) to August 9, 2021, is made by Karen Solstad and seconded by Lars Johannessen.**

*Chair Pascal Rettig took the vote by roll call.*

Karen Solstad	YES
Keith Ratner	YES
Lars Johannessen	YES
Robert Laplante	YES
Scott Kelley	YES
David Frick	YES
Pascal Rettig	YES

**All members present vote in favor. Motion Approved.**

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## **7. Administrative**

### ***a) Bill 2021-102 – An Ordinance to Establish a Town Forest Conservation Area***

Councilor Steve Stanganelli, 12 Amidon Ave., and bill co-sponsor, said questions at the last meeting resulted in a revised version with maps. The only change is on page 2, section 1(a).iii, “Town Forest Parcel C, 270 Lions Mouth Rd., #RR, assessor’s map 48-14.” He demonstrated the maps on the screen. The note in the far left on the bottom indicates a parcel already included by the mayor. The map shows that in context.

Pascal Rettig asked about the last page, 74/2, 79 Haverhill Rd. It’s labeled Great Swamp C and mentioned in the text, but it’s not listed in as one of the line item parcels.

Councilor Steve Stanganelli said there’s a list that should be attached to Bill 2021-077. Map 74, parcel 2 is on the that order that was previously passed.

Pascal Rettig asked if Great Swamp C be removed from the order? It’s mentioned in 1(a).

Councilor Stanganelli said he missed that correction.

**A motion to extend the meeting to 10:15 PM is made by Lars Johannessen and seconded by David Frick.**

*Chair Pascal Rettig took the vote by roll call.*

Karen Solstad	YES
Keith Ratner	YES
Lars Johannessen	YES
Robert Laplante	YES
Scott Kelley	YES
David Frick	YES
Pascal Rettig	YES

**All members present vote in favor. Motion Approved.**

David Frick suggested additional language for the second sentence in 1(a), “The area known as Town Forest, Woodsom parcel A, and Great Swamp A and B.”

Pascal Rettig said that detail could be removed since it is listed below. Councilor Stanganelli agreed.



Nipun Jain suggested, “That the City of Amesbury shall place the following parcels and portions of the area enumerated below under the custody and control of the Conservation Commission and its successor entity.”

Councilor Steve Stanganelli agreed.

**A motion to recommend to City Council the approval of Bill 2021-102 – An Ordinance to Establish a Town Forest Conservation with the amendments made this evening is made by David Frick and seconded by Keith Ratner.**

*Chair Pascal Rettig took the vote by roll call.*

Karen Solstad	YES
Keith Ratner	YES
Lars Johannessen	YES
Robert Laplante	YES
Scott Kelley	YES
David Frick	YES
Pascal Rettig	YES

**All members present vote in favor. Motion Approved.**

**b) *Contracts, Invoices, Authorizations***

Nipun Jain said TEC was the inspectional contractor for the Sports Park and Maples Crossing application review for traffic and circulation. They are also working on the South End and Route 150 corridors. They are familiar with the City and staff believes they are well suited to coordinate inspectional services on the Sports Park site plan construction. The contract amount is \$41,800.

David Frick asked if Director Jain suggested this company to the applicant as the appropriate person to do this work. Director Jain said the applicant was supportive of this choice because the consultants are aware of the existing conditions, the site challenges, and familiar with the site.

**A motion to approve the TEC inspectional contract in the amount of \$41,800.00 for 12-14 South Hunt Road -- Amesbury Sports Park is made by Keith Ratner and seconded by Scott Kelley.**

*Chair Pascal Rettig took the vote by roll call.*

Karen Solstad	YES
Keith Ratner	YES
Lars Johannessen	YES
Robert Laplante	YES
Scott Kelley	YES
David Frick	YES

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Pascal Rettig

YES

**All members present vote in favor. Motion Approved.**

***Communication from Staff***

Nipun Jain said there is a pending referral from City Council regarding short term rentals. Their subcommittee is looking at revisions to the proposed ordinance. The legal ad will be posted tomorrow. The Board will open the hearing in a virtual meeting on August 26<sup>th</sup>, do the reading, and then close the meeting because we don't yet have the subcommittee's report.

Robert Laplante asked when the committee report is due. Director Jain did not know.

Pascal Rettig asked about the plan for meetings given the direction of the pandemic.

Nipun Jain said he did not know what other Boards were doing.

Karen Solstad said the lead epidemiologist at her company has discontinued in person meetings. .

The Board agreed to continue with virtual meetings for the time being.

**7. Adjournment**

**A motion to close the August 9, 2021, meeting is made by David Frick and seconded by Robert Laplante.**

*Chair Pascal Rettig took the vote by roll call.*

Karen Solstad	YES
Keith Ratner	YES
Lars Johannessen	YES
Robert Laplante	YES
Scott Kelley	YES
David Frick	YES
Pascal Rettig	YES

**All members present vote in favor. Motion Approved.**

The meeting adjourned at 10:17 PM

Respectfully submitted -- Linda Guthrie, Recording Secretary